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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,088	01/28/2002	Michael Wayne Brown	AUS920010516US1	5267

7590 09/25/2003

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EXAMINER

CUNNINGHAM, GREGORY F

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/059,088

Applicant(s)

BROWN ET AL.

Examiner

Greg Cunningham

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☒ Claim(s) 7,11,18,22,29 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This action is responsive to communications of application filed 1/28/2002.
2. The disposition of the claims is as follows: claims 1-33 are pending in the application. Claims 1, 12 and 23 are independent claims.
3. The group and/or Art Unit location of your application has changed. To aid in the correlation of any papers for this application, all further correspondence should be directed to Group Art Unit 2676 (effective 9/03). Please be sure to use the most current art unit number on all correspondence to help us route your case and respond to you in a timely fashion.

Information Disclosure Statement

4. The information disclosure statement filed 1/28/2002, items CG - CQ fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there is no reference date associated with said items. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Specification

- ✓ 5. The disclosure is objected to because of the following informalities: Cross-Reference to related Applications is missing application serial numbers, all eleven.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, 8-10, 12-17, 19-21, 23-28 and 30-32 are rejected under 35 U.S.C. 102(b) as being disclosed by Frank et al., (US Patent Number 5,651,107).

A. Claim 1, “A method for changing alpha levels of a displayable object, said method comprising the steps of: determining an alpha level to represent a status of a non-interactive computing task; and graphically adjusting a transparency of at least a selected portion of a displayable object associated with said non-interactive computing task according to said alpha level, such that said status of said non-interactive computing task is displayed by said associated displayable object” is disclosed in col. 2, ln. 27 – col. 3, ln. 4.

B. Claim 2, “The method for changing alpha levels of a displayable object according to claim 1, said method further comprising the step of: graphically displaying concurrently a plurality of displayable objects independent of whether any of said plurality of displayable objects is active” is disclosed supra for claim 1, particularly in col. 3, lns. 1-4.

C. Claim 3, “The method for changing alpha levels of a displayable object according to claim 1, said method further comprising the step of: detecting said status for at least one from among usage of a processor, memory, a sound card, a graphics card, a storage device, and

Art Unit: 2676

network bandwidth” is disclosed supra for claim 1, particularly at “text, icons and buttons corresponding to functions to be executed by the CPU”.

D. Claim 4, “The method for changing alpha levels of a displayable object according to claim 1, said method further comprising the steps of: determining a color level to represent said non-interactive computing task; and graphically adjusting said color with said transparency according to said color level of said at least said selection portion of said displayable object associated with said non-interactive computing task” is disclosed by Frank supra for claim 1. Particularly at “In systems with multiple bits, typically at least eight, it is possible to vary the intensity and color of the pixels on the display” in col. 1, lns. 63-65.

E. Claim 5, “The method for changing alpha levels of a displayable object according to claim 1, said step of determining an alpha level further comprising the step of: determining said alpha level according to a user preference for said transparency associated with said non-interactive computing task” is disclosed by Frank supra for claim 1, particularly in col. 2, ln. 63 – col. 3, ln. 1 at “In one embodiment, a slider is displayed within each window which permits the .alpha. value to be set by a user through the use of a cursor control device. The .alpha. value may be set between the range of 0 and 1, where a setting of 1 results in the window being opaque, and a 0 setting resulting in the window being fully transparent”.

F. Claim 6, “The method for changing alpha levels of a displayable object according to claim 1, said step of determining an alpha level further comprising the step of: determining said alpha level, wherein said resulting transparency is uniform within said displayable object” is disclosed by Frank supra for claims 1 and 5. Wherein alpha via slider for desired window implies level of transparency is applied consistently (uniformly) to said window.

Art Unit: 2676

G. Claim 8, “The method for changing alpha levels of a displayable object according to claim 1, said method further comprising the step of: presenting a user within an interface for selecting transparency preferences, wherein said transparency preferences are utilized for determining said alpha level” is disclosed by Frank supra for claims 1 and 6. Wherein slider corresponds to “interface for selecting transparency preferences”.

H. Claim 9, “The method for changing alpha levels of a displayable object according to claim 1, said step of graphically adjusting a transparency further comprising the step of: only graphically adjusting a transparency of transparency adjustable sections of said displayable object within said selection portion of said displayable object” is disclosed by Frank supra for claims 1 and 6. Wherein slider corresponds to “only graphically adjusting a transparency of transparency adjustable sections”.

I. Claim 10, “The method for changing alpha levels of a displayable object according to claim 1, said step of graphically adjusting a transparency further comprising the step of: graphically adjusting a transparency of said displayable object comprising at least one of an application window, an icon, a video representation, and a graphical representation” is disclosed by Frank supra for claims 1 and 6. Wherein window corresponds to “an application window”.

J. Per independent claims 12 and 23, these are directed to a system and program, respectively, for performing the method of independent claim 1, and therefore are rejected to independent claim 1.

K. Per dependent claims 2-6, 8-10, 13-17, 19-21, 24-28 and 230-32, these are directed to a system and program, respectively, for performing the method of dependent claims 2-6 and 8-10, respectively, and therefore are rejected to dependent claims 2-6 and 8-10.

Art Unit: 2676

Allowable Subject Matter

8. Claims 7, 11, 17, 22, 29 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Citation of Pertinent Prior Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>U. S. Patent No.</u>	<u>Issued</u>	<u>Class</u>	<u>Applicant(s)</u>
US 20030169274 A1	20030911	345/589	Oberoi, Ranjit S. et al.
US 20020149600 A1	20021017	345/592	Van Splunter, Marinus et al.
US 6614444 B1	20030902	345/581	Duluk, Jr., Jerome F. et al.
US 6590573 B1	20030708	345/419	Geshwind, David Michael
US 6538660 B1	20030325	345/592	Celi, Jr., Joseph et al.
US 6529191 B1	20030304	345/419	Ryo, Kamiya
US 6507350 B1	20030114	345/690	Wilson, Andrew T.
US 6476807 B1	20021105	345/421	Duluk, Jr., Jerome F. et al.
US 6348919 B1	20020219	345/421	Murphy, Nicholas J. N.
US 6333753 B1	20011225	345/768	Hinckley, Kenneth Paul
US 6271826 B1	20010807	345/589	Pol, Evert J. et al.
US 6057852 A	20000502	345/589	Krech, Jr., Alan S.
US 5063375 A	19911105	345/616	Lien, Sheue-Ling et al.

Responses

10. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 308-6606 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Art Unit: 2676

Inquiries

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Cunningham whose telephone number is (703) 308-6109.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached on (703) 308-6829.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

G.F. Cunningham

gfc

September 22, 2003

Matthew C. Bella

MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600